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Attorneys for Defendant Jeffrey Harrison

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY HARRISON,

Defendant.

Case No. CR-07-0594 PJH

**NOTICE OF MOTION AND MOTION  
BY DEFENDANT JEFFREY HARRISON  
TO MODIFY CONDITIONS OF  
PRETRIAL RELEASE; [PROPOSED]  
ORDER**

Date: January 17, 2008  
Time: 9:30 a.m.  
Judge: Hon. James Larson

TO: THE HONORABLE JAMES LARSON, UNITED STATES ATTORNEY  
SCOTT N. SCHOOLS, AND ASSISTANT UNITED STATES ATTORNEY DENISE  
BARTON,

PLEASE TAKE NOTICE that Defendant Jeffrey Harrison will and hereby does  
move to modify the conditions of his pretrial release in the above-referenced matter to allow him  
to travel outside of the Northern District of California to the Philippines. This motion is made  
pursuant to this Notice of Motion and Motion to Modify Conditions of Pretrial Release and the  
Declaration of Edwin K. Prather In Support of Defendant Harrison's Motion to Modify  
Conditions of Pretrial Release.

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**ARGUMENT**

Defendant Jeffrey Harrison has been released subject to the Court's terms and conditions of release. A current condition of Mr. Harrison's release is that he not travel outside of the United States. Defendant Harrison requests the Court's permission for a single trip to Manila, in the Philippines, from January 18, 2008 through January 27, 2008.

**A. Mr. Harrison must be allowed to travel to the Philippines because he owes a duty to the investors in his company and the company's employees to ensure the company is able to function in his absence**

Mr. Harrison was instrumental in starting a business, Global Mobile Technologies (GMT), which is developing new methods of delivering internet content to cellular phones, and was GMT's Chief Executive Officer and legal counsel. GMT is headquartered in Singapore, and has offices in the Philippines. Investors have committed over \$7 million to GMT based on the business and technology models propounded by Mr. Harrison. Now, GMT is approaching a critical juncture – presentations must be made by Mr. Harrison to secure GMT's initial customers and a new executive team must step in to replace Mr. Harrison.

The proposed trip to Manila will allow Mr. Harrison to personally present the new executive team to GMT's proposed customers and business partners, including Proctor & Gamble, JobsDB, Philippine Long Distance Telephone Company, and Smart Cellular. Mr. Harrison will travel with the proposed executive team, including the CEO, COO, and V.P. of Engineering. It is crucial that GMT's prospective customers and business partners have faith in the proposed leadership team and that the executive candidates be effectively briefed on GMT's technologies and business models. These complex meetings must take place in person. Previous efforts to conduct these briefings and presentations remotely – by phone and memoranda – have failed. The technical complexities of GMT's products and the personal business relationships necessary for the company's survival simply cannot be navigated at a remove. Further, because of Mr. Harrison's integral role in founding and leading GMT, only he has the knowledge of both GMT's technologies and its business plan necessary to communicate them to prospective customers and business partners.

1 Mr. Harrison owes a duty to his initial investors to supervise the transition of the  
2 company's leadership. These investors have put forth a substantial amount of capital in reliance  
3 on Mr. Harrison's representations regarding the business and his ability to secure the first round  
4 of customers. Similarly, the company's employees are dependant on GMT's ability to continue  
5 as a viable business in Mr. Harrison's absence. Unless Mr. Harrison is able to personally brief  
6 the new executive management team and make presentations to GMT's proposed customers and  
7 business partners, the company's future is in doubt.

8 **B. Mr. Harrison will take every precaution to assuage fears of his flight and**  
9 **ensure his return to the United States**

10 Under the current terms of his pretrial release, Mr. Harrison may travel within California  
11 with the prior approval of Pretrial Services. Mr. Harrison has been approved to take such trips,  
12 including an almost week-long business trip to San Diego that was approved by this Court. This  
13 trip to San Diego was completed without incident. There is no reason to believe Mr. Harrison  
14 will not conduct himself similarly on the proposed trip to the Philippines, and he will take every  
15 precaution to assuage any fears that he may flee on this trip.

16 Although Mr. Harrison would never flee, prior to his departure he will sign an agreement  
17 waiving the need for extradition proceedings. Moreover, his wife, son, and daughter will all  
18 surrender their passports to the Court for the duration of his trip abroad. Mr. Harrison will  
19 provide the Court, the Government, and Pretrial Services with his complete itinerary, including  
20 flight schedule, lodging and telephone contact information, and business meeting schedules.

21 These substantial precautions – which assure Mr. Harrison will have no means of fighting  
22 extradition, and cannot be joined by his family should he flee – are more than adequate to secure  
23 Mr. Harrison's return to the United States.

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**CONCLUSION**

Mr. Harrison respectfully requests that the Court modify the conditions of his pretrial release to allow him to take one trip outside of the United States to the Philippines in order for Mr. Harrison to resolve his business obligations there.

Dated: January 10, 2008

Respectfully submitted,

/s/: Edwin K. Prather  
EDWIN K. PRATHER  
Clarence & Dyer LLP  
Attorneys for Defendant Jeffrey Harrison

**[PROPOSED] ORDER**

GOOD CAUSE HAVING BEEN SHOWN, the Court hereby modifies its previous Order pertaining to Mr. Jeffrey Harrison's pretrial release conditions. Mr. Harrison shall be allowed to travel outside of the United States to the Philippines. Mr. Harrison shall provide the Court, the Government, and Pretrial Services with his travel itinerary in advance of his departure, sign an extradition agreement, and surrender the passports of his family to the Court for the duration of his trip abroad.

IT IS SO ORDERED.

Dated: January \_\_\_\_, 2008

Honorable James Larson  
United States District Chief Magistrate Judge

1 Proof of Service

2 I, Abbie Chin, declare as follows:

3 I am over eighteen years of age and not a party to the within action; my business address  
4 is 899 Ellis Street, San Francisco, California 94109; I am employed in the County of San  
5 Francisco.

6 On January 11, 2008, I served a copy, with all exhibits, of the following documents:

- 7
- 8 • Notice of Motion and Motion by Defendant Jeffrey Harrison to Modify Conditions  
9 of Pretrial Release; [Proposed] Order

10 \_\_\_X\_\_\_ (BY ELECTRONIC SERVICE) I caused an electronic delivery subject to 28 U.S.C  
11 ¶1746, Local Rules or General Orders of this Court regarding Electronic Case Filing. All  
12 pleadings and papers must be electronically served in accordance with those Rules or General  
13 Orders with email address(es) as noted below:

14 **Denise Marie Barton**

15 United States Attorney's Office  
16 450 Golden Gate Avenue, 11th Floor  
Box 36055  
San Francisco, CA 94102  
415-436-7359  
17 Fax: 415-436-7234  
Email: denise.barton@usdoj.gov

18

19 I declare under penalty of perjury under the laws of the state of California that the  
20 foregoing is true and correct and that this declaration was executed on the above stated date.

21

22 /s/: Abbie Chin  
Abbie Chin

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